

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**SHIRLEY BROWN, AS NATURAL MOTHER AND
NEXT FRIEND OF JOSHUA BROWN, A MINOR**

PLAINTIFF

VS.

CAUSE NO: 3:24-cv-00556-TSL-MTP

THE CITY OF JACKSON, MISSISSIPPI, *et al.*

DEFENDANTS

**CITY OF JACKSON AND CHIEF JOSEPH WADE'S
MOTION TO DISMISS & STAY**

COME NOW Defendants City of Jackson, Mississippi (“City”) and Chief Joseph Wade (“Chief Wade”), through undersigned counsel, and hereby file this Motion to Dismiss and Stay, and the City hereby states as follows:

1. The Plaintiff’s First Amended Complaint fails to plead any set of facts that could ever entitle Plaintiff to any relief from the City and Chief Wade.
2. Plaintiff’s First Amended Complaint purportedly asserts claims under the United States Constitution, but said Complaint fails to allege any facts that could support a finding of any violations of any rights.
3. Chief Wade is immune from the federal claims pursuant to qualified immunity.
4. The claims against the City also fail because the elements of *Monell* liability have not been set out in the First Amended Complaint.
5. Plaintiff also failed to serve Chief Wade with the First Amended Complaint.
6. With regard to the state law claims, all such claims fall under the Mississippi Tort Claims Act, which includes specific notice and pre-suit requirements. Plaintiffs failed to satisfy the requirements of the Mississippi Tort Claims Act. In fact, Plaintiff did not provide any pre-suit notice

of this claim to the City or Chief Wade. Consequently, the one-year statute of limitations has expired, and this claim should be dismissed with prejudice as to the City and Chief Wade.

7. In addition to the Defendants' request for dismissal with prejudice, Defendants request that this Court enter an order staying all responsive pleadings to the First Amended Complaint and discovery in this matter until this motion is decided by the Court.

8. In support of this Motion, the City and Chief Wade submit contemporaneously herewith a Memorandum in Support, which is fully incorporated herein.

WHEREFORE, the City and Chief Wade respectfully request an order dismissing the Plaintiff's claims against the City and Chief Wade with prejudice, and the City and Chief Wade request any additional relief that the Court deems appropriate.

RESPECTFULLY submitted this the 19th day of March, 2025.

CITY OF JACKSON, MISSISSIPPI

By: /s/ Jason L. Nabors
Jason L. Nabors, MSB #101630

OFFICE OF THE CITY ATTORNEY

455 East Capitol Street
Post Office Box 2779
Jackson, Mississippi 39207-2779
Telephone: 601-960-1799
Facsimile: 601-960-1756
Attorneys for the City of Jackson

CERTIFICATE OF SERVICE

I, Jason L. Nabors, one of the attorneys for the City of Jackson, Mississippi, do hereby certify that I have served this day via electronic filing a true and correct copy of the above and foregoing to all counsel of record.

So certified, this the 19th day of March, 2025.

/s/ Jason L. Nabors

Jason L. Nabors